

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE TREMONT SECURITIES LAW, STATE Master File No.
LAW AND INSURANCE LITIGATION : 08 Civ. 11117 (TPG)

This Document Relates to: :

INSURANCE ACTION, 09 Civ. 557 (TPG), :
and specifically to: :
:
CUMMINS INC., as the authorized representative :
of the Cummins Inc. Grantor Trust dated : 10 Civ. 9252 (TPG)
September 10, 2007, as amended, :
:
Plaintiff, : ECF CASE
: Electronically Filed
:
- against - : **NOTICE OF MOTION**
:
NEW YORK LIFE INSURANCE COMPANY, :
et al., :

Defendants.
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PLEASE TAKE NOTICE that, upon the Amended Complaint, the accompanying memorandum of law, the Declaration of Jason C. Vigna, dated January 31, 2012, and the exhibits thereto, and all prior papers and proceedings herein, defendants Tremont Group Holdings, Inc., Tremont Partners, Inc., Tremont (Bermuda) Limited, Tremont Capital Management, Inc. and Rye Investment Management will move this Court, before the Honorable Thomas P. Griesa, at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York 10007, for an Order: (i) dismissing the Amended Complaint pursuant to Rules 9(b), 12(b)(1) and 12(b)(6) of the Federal Rules of

Civil Procedure; and (ii) for such other and further relief as this Court may deem just and proper.

Dated: New York, New York
January 31, 2012

Respectfully submitted,

/s/ Seth M. Schwartz

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